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(for filings only)
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Attorneys for Plaintiff & Putative
Class Members

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

MAX VERDI,

Plaintiff,

v.

**ROBERT LUNA, KATHRYN
BARGER, HILDA SOLIS, JANICE
HAHN, HOLLY MITCHELL,
LINDSEY HORVATH, and 10
UNKNOWN NAMED DEFENDANTS**

Defendants.

COMPLAINT

**CLASS ACTION ALLEGATIONS
DEMAND FOR JURY TRIAL**

Judge

Plaintiff makes the following allegations in support of the this complaint:

JURISDICTION AND VENUE

1. Plaintiff asserts his federal claims, pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1985(3) and subject matter jurisdiction lies pursuant to 28 U.S.C. § 1331 of these federal claims.

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1 of the clearly-established rights of plaintiff, and in clear violation of the federal
2 Constitution and of the California Constitution, and of controlling federal law,
3 both statutory and common law, as set forth by both the United States Supreme
4 Court and the United States Court of Appeals for the Ninth Circuit.

5 9. From on or about Jan. 23, 2019 to present defendants held plaintiff as a
6 pretrial detainee in their Twin Towers Correctional Facility, where they inflicted
7 on him the constitutional violations set forth in the plaintiff's grievances, attached
8 hereto and whose contents are incorporated herein by this reference, as well as
9 other similar instances of the same kinds of unconstitutional conduct, and also did
10 not take appropriate action to address plaintiff's grievances, thereby inflicting on
11 plaintiff serious physical and emotional injuries.

12 10. Defendants as the supervisory officers responsible for the administration
13 of the facility, are liable for the failure to take corrective action and to remedy with
14 respect to police personnel, whose vicious propensities were notorious, and to
15 assure proper training and supervision of the personnel, and to implement
16 meaningful procedures to discourage lawless official conduct. This action is
17 brought pursuant to 42 U.S.C. § 1983, and the First, Fourth and Fourteenth
18 Amendments to the Constitution of the United States.

19 11. As a result of the misconduct hereinbefore described, plaintiff
20 experienced humiliation, emotional distress, pain, and suffering, and was
21 otherwise damaged. He was also severely physically injured as a result of conduct
22 alleged.

23 12. The abuse to which plaintiff was subjected was inflicted as the result of
24 and was caused by the institutionalized practice of the defendants, which was
25 known to, and ratified by the non-police defendants, with those defendants having
26 at no time taken any effective action to prevent jail personnel from continuing to
27 engage in such abhorrent misconduct.
28

1 13. Defendants all ratified, condoned, approved of, acquiesced in,
 2 authorized, tolerated, and were the moving forces behind the institutionalized
 3 practices, and all of the misconduct hereinbefore detailed

4 14-68. Reserved.

5 **COUNT ONE**

6 (Against All Defendants, 42 U.S.C. § 1983)

7 69. Plaintiff realleges specifically the allegations set forth in above
 8 averments, and, by virtue thereof, all defendants are liable to plaintiff, pursuant to
 9 42 U.S.C. § 1983, for violation of plaintiff's First, Fourth, and Fourteenth
 10 Amendment rights, not to be subjected to unreasonable searches, seizures, stops,
 11 arrests, and excessive force, and a denial of proper medical care.

12 70. Defendants, each and all are responsible for the constitutional violations
 13 set forth in averment 69 and for the violations because they set the policies and
 14 accepted the customs of the Sheriff's Department, among which were
 15 unconstitutional, brutalizations, and plaintiff herein was subjected to such
 16 brutalization and thuggery.

17 **COUNT TWO**

18 (Against All Defendants ,Under Sec. 1983, *Monell*)

19 71. "[When] the complaint plausibly alleges a policy, custom, or practice
 20 leading to that violation[, s]ee *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct.
 21 1937, 173 L.Ed.2d 868 (2009)[,] [and] Plaintiffs' allegations amount to . . . more
 22 than an 'isolated or sporadic incident[]' that . . . forms the basis f *Monell* liability
 23 for an improper custom. *Trevino v. Gates*, 99 F.3d 911, 918 (9th Cir. 1996)
 24 [prosecuted by plaintiff's counsel herein]." *Saved Magazine v. Spokane Police*
 25 *Dep't*, 19 F.4th 1193, 1201 (9th Cir. 2001).

26 72. Defendants are liable to plaintiff because they had and have, and foster,
 27 policies, practices, procedures, and customs of First, Fourth, and Fourteenth
 28 Amendment violations by members of Sheriff Department, which policies, in

1 violation of the these Amendments, were the moving forces that caused the
2 violation of the plaintiff's rights, as alleged herein, because that practice was a
3 moving force that caused the violations of the plaintiff's rights as alleged herein.

4 73-82. Reserved.

5 **CLASS ACTION ALLEGATIONS**

6 83. Plaintiff is a member of four classes, whose defining characteristic is
7 that they are persons who were subjected to First, Fourth, and Fourteenth
8 Amendment violations, at the hands of defendants, by being subjected to
9 unreasonable failures to provide constitutionally-adequate and -required medical
10 care, treatment, and medication while held in penal custody and confinement.

11 84. The Class contains approximately at least 10,000 people, so that the
12 class each is so numerous so that joinder of all members is impracticable.

13 85. There are only common questions of fact and of law with respect to all
14 class members of each class.

15 86. The claims made by the representative party of each class, plaintiff, are
16 typical of the claims of each class member.

17 87. The representative of the class, plaintiff, more than fairly, vigorously,
18 and zealously will represent and adequately protect the interests of all class
19 members, both themselves and through their very zealous attorney.

20 88. Prosecution of separate actions by individual class members would
21 create a risk of inconsistent and/or varying adjudications with respect to class
22 members, which would establish incompatible standards for parties opposing the
23 classes.

24 89. Defendants have acted and will continue to act on grounds generally
25 applicable to every class member in the class, and the class questions not only
26 predominate but are the only questions that exist, and this action is the far superior
27
28

1 manner to other available methods for fairly and efficiently adjudicating the
2 controversies.

3 90. The class members' interests in individually controlling the prosecution
4 or defense in separate actions do not exist, and there are no anticipated difficulties
5 in managing this class action, especially as to identification of the amount of
6 damages, identification of class members, and providing actual notice to virtually
7 all class members.

8 91. Therefore, this action is maintainable under Fed. R. Civ. P. Rule 23(a),
9 & 23(b)(1)(A),(B)(1), (2), and (3).

10 92. The nature of the notice to be provided to class members would be
11 decided by the court.

12 93. The definition of the class is set forth hereinabove.

13 **WHEREFORE**, plaintiff requests relief on behalf of himself and on behalf
14 of each class member against each defendant as follows:

- 15 1. Compensatory damages \$1,000,000;
16 2. Punitive damages on all non-*Monell* claims, in sums to be determined by
17 a jury, and as a percentage of the net worth of each defendant, in sums sufficient to
18 deter future misconduct, and not less than \$10,000,000 per defendant;
19 4. The costs of action and interest;
20 5. Attorneys' fees; and,
21 6. Such other relief as is just and proper.

22 **JURY DEMAND**

23 Plaintiff demands trial by jury of all issues.

24 **YAGMAN + REICHMANN, LLP**

25
26 By: /s/ Stephen Yagman
27 **STEPHEN YAGMAN**
28

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

Notification of Disposition

Incident Details

Incident ID
22-46-00009

Dept Made Aware On
11/10/2022

Inmate
VERDI, MAX #5527707

Handling Unit
TTCF Grievance Team

Category

Category
Sheriff

Synopsis

Verdi reports retaliation because of a former grievance because Verdi noticed deputies were huddled together and pointing at Verdi when they then started an argument with Verdi and moved Verdi to HOH housing. Once Verdi arrived it was unclean, was not provided a blanket, and was not provided toilet paper after numerous requests. Verdi believes that these actions were due to retaliation or harassment. Please investigate and provide Verdi with a clean housing area. Thank you.

Incident Disposition

Complaint Type
Complaint Against Staff

Disposition
Granted

— Narrative

On November 10, 2022, the ACLU filed a grievance on your behalf alleging that Sheriff's Department personnel retaliated because of a former grievance. Inmate Verdi noticed deputies were huddled together and pointing at Verdi when they started an argument with Verdi and moved Verdi to HOH housing. Once Verdi arrived it was unclean, was not provided a blanket, and was not provided toilet paper. Your grievance has been investigated. Appropriate administrative action has been taken.

Inmate Rights Regarding the Appeal Process:

- Inmates may only submit one (1) appeal per grievance.
- An appeal shall be submitted on the appropriate appeal form, which will be provided to the inmate by custody personnel when delivering the notification of the disposition of a grievance or appeal.
- Inmates who are unable to fill out the appeal form may ask personnel for assistance.

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

Notification of Disposition

Incident Details

Incident ID
24-25-00811

Dept Made Aware On
06/18/2024

Inmate
VERDI, MAX #5527707

Handling Unit
TTCF Grievance Team

Category

Category
Sheriff

Synopsis

Verdi reports being assaulted by an unnamed deputy on 11/3/23 in Twin Towers facility. Verdi stated that the deputy smashed their head into a door frame. The ACLU filed a complaint for the same occurrence on 11/13/23, intake #LA33145. Verdi has not received an update on this grievance. Please investigate, using the appropriate use of force protocol. Thank you.

Incident Disposition

Complaint Type
Duplicate - Pending

Disposition
Duplicate - Pending

Narrative

This grievance is a duplicate of another grievance you have submitted which is still being processed

- An appeal by an inmate must be submitted within fifteen (15) calendar days of receiving a written disposition regarding the grievance, or the appeal will be denied.
- Inmates will be advised in writing by a supervisor the result of an appeal within 15 calendar days of the appeal submission.
- New inmates received for an inmate on an appeal form will not be retroactively and any decision rendered will pertain only to the

inmate signature

Date

Housing as of 06/06/2024 13:10 Facility: TCCF Module: T131 Pod: A Cell: 0011

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Disposition
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Notification of Disposition

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11/10/2022

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